App F IX 4

Previous References

19 51-52
(C.M)

File No 80-51

Serial Nos 1 to 4

Later References

CM 34-56-1-9

GENERAL AND REVENUE SECRETARIAT

Serial Nos Four

P219-E Part B for JcG 52

SUBJECT

Amendment to the Corporation Electo

Rules

L 13157/R M 30-51-4/21 18/2/52

The compiler Mys Goze

comms of Corpora

McCrae

WD 015467—GPB—25 000—12 9 51

14/3/52

G R S APP F III—1]

GENERAL AND REVENUE SECRETARIAT

( )

NOTES

File No

FILE HEADING

Amendment to the Corporation Election Rules.

FROM The Commissioner Corporation of Bhore

No GL 10011/50-51 Dated 6/10-4-51 Received

Diary No 347 Encls two Spare copies Serial No

BRIEF ABSTRACT OF LETTER

proposes the amendment of Rule 27 (6) of the election Rules to provide for the previous sanction of the D.G.P. instead of the Commr. of police to prosecute for the offence of personation as there is no officer designated as "Commr. of police"

NOTES AND ORDERS

A Copy of the Rules Regulating the procedure with Regard to the election of the Divisional Councillors of the Corporation of Bhore is submitted

2) The Commr has sent a draft of a notification for the above amendment for approval and issue

3) The amendment proposed appears to be necessary and may perhaps be approved by

NOTES—First Sheet

WD 010865—GPB—20 000—2-8-50

~~Amendment to~~ Corporation election rules

File No 347/mk of 195 | General and Revenue Secretariat

Consultation with the Legislation Branch

Case 16/4/51 M

L S & Secy) MS 16/4

589 17/4

4) May be approved

H M & SG / Min / Law Secy ... Dy S ... 17/4/51) MS 18/4

5) The offence of personation at elections falls under chapter IX A of the Penal Code - Sec 196 Cr P C prescribes the complaint in such cases to be made "by order of or under authority from the State Govt or some officer empowered by the State Govt in this behalf" - The reference to "previous sanction under sec 196 Cr P C" in rule 27 (6) of the Corporation Election Rules is wrong - The mistake cannot be rectified by the amendment proposed which is to substitute "D C of Police" for Com^r of Police" - I would suggest the omission of the entire ~~words~~ phrase " after obtaining ... from the Com^r of Police" & replacing it by the words The words "in accordance with sec 196 Cr P C" may be inserted after the words " shall take steps" -

1855 18/4/51

GOVERNMENT 153 Date 19/4/51

609 Date 18/4

Draft 21/4

347/sel V3504/sel

Amendment to the Corporation Election Rule

7) Draft Calls to the Concern, Corporate to put up for approval or other orders if the Concern does not necessary to consult the Corporation, draft any amendment sent to the proposed

Mgr 1/5/51

8) Issue MS 9/5

To

The Commissioner Corporation of the city of Bijapur Hr to Mayor

L 1386/51-52 dt 15-5-51

Calls for additional information

Sec A 25/5

From

The Concern Corporation of the city of Bijapur

No 81 1730/51-52 dated 27-8-51

Forwards Resolution dated 30-7-51 of the Corporation on the subject

9) The Corporation has Resolved accepted the modified amendment Suggested by the Law Dept in its Resolution dated 30-7-51.

10) A Revised notification is accordingly put up for consideration

Sec 3/9/51 Dy

Secy (Dept) 11) 6/9/51

No 627 Date 7/9

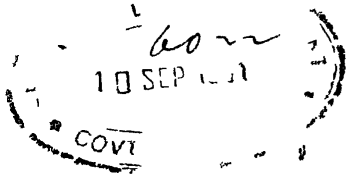
Amendment to Corporation Election Rules

1170
LD

12) For favour of Scrutiny

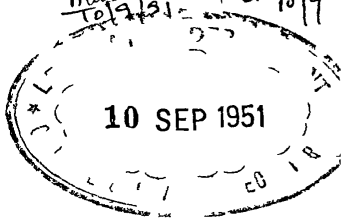
Law Secy

ICS
8/9



Legs
Sec

13) A separate draft notification - Sh KN 9 10/9
as put up for consideration



Seq 14) Please examine whether section
13/9/51 366 applies to this draft
Mar 14 9 51

Sh KN 9

15) Section 366 refers only to rules issued under Section 365 and not notifications issued under Section 48. The draft notification under consideration now is proposed to issue under S 68, since the original notification which is sought to be amended has also been issued only under S 68 although S 365 is an Section which confers general rule-making power, S 68 appears to be independent of it in as much as it is a Specific item referred to in a later S 68 and S 365 is in respect of which rules are specifically empowered to be made are entirely different. Therefore it appears that procedure contemplated by S 366 does not apply to S 68

Seq (1) 14/9/51 16) Although there is Conseil d'Etat in force

1170/20

In the views expressed in para 15, it is noticed that in a judgment of the Madras High Court in connection with rules made under section 59 of the Madras City Municipal Act, (i.e. the section corresponding to section 68 of the ~~My~~ City of Bangalore Municipal Corporation Act, 1949), the Court has referred to both sections 59 and 347 ~~as to~~ the provisions under which the rules were made and has relied upon clause (c) of section 348 to determine the effect of the rules (sections 347 and 348 of the Madras Act correspond to sections 365 and 366 of the State Act). Kind reference is invited to Ekambara vs Madras Corporation A I R 1927 Madras 22 at pages 25 and 26. The judgment seems to indicate that in Madras ~~th~~ section 347 is also relied upon in making rules under section 59. ~~But since that is~~ In the circumstances it is for orders whether the procedure indicated in section 366 may be followed for making rules under section 68.

Mas
18/5/1 ..

Amendment to Corporation Election Rules

1170/LD

3504/M

17) In view of the reference made in the Madras High Court's judgement, the procedure prescribed in section 365 may be followed to be on the safer side

MWW 22/9

Law Secy

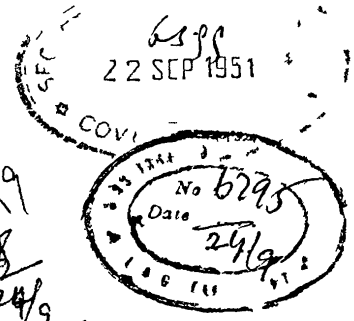
Secy (Leg)

18) MWW 22/9

MWW 22/9

DLG 24/9

Law Secy



19) As per Law opinion the proposed notification requires to be published in the official gazette and forwarded to the Corporation for opinion the draft shall not be further proceeded with until & unless after such publication or until such later date as the Govt may appoint

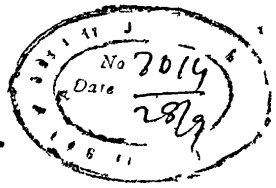
20) A draft for publication & the notification accordingly put up for approval

Secy LSG) 27/9/51

Secy 26/9/51

MWW 26/9

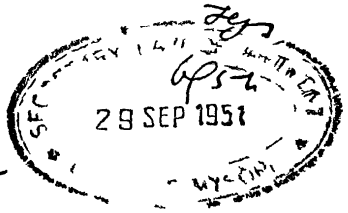
21)



22) For favour & Scrutiny & the dft notn under Sec 366

Law Secy dd

DLG 28/9



Secy

MWW 29/9/51

29/9/51

Amendment to Corporation Elections Rules

3504/2nd 1170/2nd

23) The draft appears to be in order. It may perhaps be more appropriate to forward it with a covering letter to the Corporation for its opinion instead of by a memo

Secy 11/10/51 Mas 31.10.51.

7 OCT 4 OCT 1951

Secy 4/10/51

Law Secretary)

Secy Legy) 25) Mr 5/10 Secy 5/10

DCL 8/10

Secy

26) Obt Collr of the concern, Corporation & perhaps for approval

Secy 3/11/51

Secy 3/11/51

27) Issue

Secy

To

the compiler
Mysore Gazette
L 8572/C & M 30 51-2
10-11-51

Copy to the commr
Copies of the city of B'lore
L 8573/C & M 30 51-3 (Thro the Mayor)
Approved & Notified 10-11-51

Dep.

6406/ms

1170/LD

Amendment to the Corporation Election Rules.

Jm

The Coorg, B'lore

no. GL-1168/51-52, Dt 5-1-52

Requests the opinion of the Corpn on the draft notification proposed to be issued

28) The Corporation has approved of the draft notification proposed to be issued. The period of 6 weeks prescribed under Sec 30(1) has also elapsed

29) The notification will be issued finally for publication in the gazette.

Hag

Secy dept) 19/1/52

Ags 18/1/52

Dy 18/1/52

For favour of perusing

Dft from Hag D)

Law Secy)

Ich 21/1/52

Dy 21/1

22 JAN 1952

The draft notification is

Ag 22/1/52

Sh Krg 22/1/52

22 JAN 1952

Krg 22/1/52

Mas 22/1/52

Ag 23/1/52

23 JAN 1952

Law Secy)

Secy Hag)

Mas 24/1

Hag 24/1/52

Amendments to the Corpn Elections Rules

6406
ML

For perusal before issue

(Smt LSG)

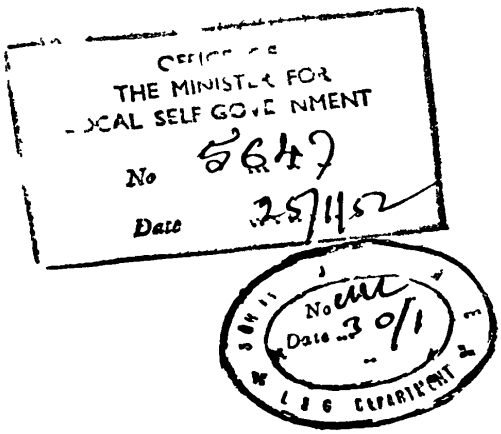
JCh
29/1

30/1/52

JCh
30/1

30/1

Issue
892
31/1/52



To
The compiler
Mysore Gazette
L 13157/CR 30-51-4
18-2-52

Notifies

copy to the commr
corpn of the city of B'lore
L 13158 / dated 18-2-52

6406
mc

Amendment to the Corporation Election Rules

Letter No.C.3/1215/50-51 dated the 8th March 1951, from the Inspector-General of Police in Mysore, Bangalore, to the Commissioner, Corporation of the City of Bangalore, Bangalore

---

Corporation elections - Prosecution under section 196 Cr.P C.

- With reference to your letter No.10011/50-51 dated 26/28th February 1951, requesting sanction to prosecute one Sri Nanjundappa I write to state that Rule 27 (6) of the Rules for the election of Divisional Councillors, empowers only the Commissioner of Police to accord such sanction. At present there is no officer in the Police Department who is designated as "COMMISSIONER OF POLICE" and in the absence of that officer, none else can exercise the power. It is therefore necessary that the Rule referred to above requires to be amended suitably before any action can be taken in the matter.

" Copy. "

COMMISSIONER.

MVL.
6-4-51

GOVERNMENT OF MYSORE.

NOTIFICATION.

No. Dated

In exercise of the powers conferred by sub-section (1) of Section 68 of the City of Bangalore Municipal Corporation Act 1949 (LXIX of 1949), the Government of Mysore, are pleased to make the following amendment to the rules regulating the procedure with regard to the election of the Divisional Councillors of the Corporation of Bangalore and of the Councillors to fill the seats reserved for labour.

AMENDMENT.

In line 7 of sub-rule (6) of rule 27, substitute the words "Inspector-General of Police" for the words "Commissioner of Police".

SECRETARY TO GOVERNMENT,
LOCAL SELF-GOVERNMENT DEPARTMENT.

" Draft."

COMMISSIONER.

MVL.
6-4-51.

Appendix F G—1]

SUBJECT Amendment to the Corporation election Rules

Diary No of letter replied to

Publicity Office

( )

the 194

Date of issue

Signed by

List of enclosures

Copied by

Examined by

Section

File No

Serial No

2 copies

No 1386/16 S 51

To

The Commr
Corporation of the city
of Bhore
(Through the Mayor)

Sir,

With Reference to your
letter no GC 10011/60-51
dated 6/10-4-51 on the
above subject, I am directed
to state that the offence
of personation at elections
falls under chapter ~~XIII~~ IX A
of the penal Code See 196
Cr p c prescribes the Complaints
in such cases to be made
"By order of or under
authority from the State Govt.
or Some officer empowered

To the State Govt on this behalf
The Reference to "previous Sanction
under Sec 196 Cr PC, 1895" in Rule 27(6)
of the Corporation Election Rules is
wrong. The mistake cannot be
rectified by the Returning Officer
for the "Concerned Police" as proposed.
Hence the omission of the said phrase
After obtaining the previous Sanction,
required by Sec 196 Cr PC, 1895, such
Sanction may obtained from the Concerned
Police" and the insertion of the words
"in accordance with Sec 196 Cr PC," after
the words "shall take Steps" is suggested
to remedy the defect in this provision.
The views of the Corporation on this
behalf may be furnished very early
Yours faithfully
MS
9/5
Sec 2-50 Secy
MA
9/5/1

d 1386
15 5-51

L S G Department, Bangalore

The Commissioner,
Corporation of the City of Bangalore
(thro' the Mayor)

Subject Amendment to the Corporation Election Rules

With reference to your letter No GL 10011/50-51 dated 6/10th April 1951, on the above subject, I am directed to state that the offence of personation at elections falls under chapter IX 'A' of the Penal Code --Section 196 Cr P C prescribes the complaints in such cases to be made 'by order of or under authority from the State Government or some officer empowered by the State Government in this behalf " The reference to 'previous sanction under section 196 Cr P C , 1895 in Rule 27 (6) of the Corporation election Rules is wrong The mistake cannot be rectified by the substitution of "Inspector General of Police" for the "Commissioner of Police" as proposed Hence the omission of the entire phrase "After obtaining the previous sanction, required by section 196 Cr P C, 1895, such sanction being obtained from the Commissioner of Police" and the insertion of the words "in accordance with section 196 Cr P C " after the words "shall take steps" is suggested to remedy the defect in this provision The views of the Corporation in this behalf may be furnished very early

Yours faithfully,

Draft
05

L S G Secretary to Government

knr-2/10 5

CORPORATION OF THE CITY OF BANGALORE

No Gl.1730/51-52.

CORPORATION OFFICES,
BANGALORE

Dated 27th August 1951

FROM

N S HIRANNAYYA, ESQ, MA,

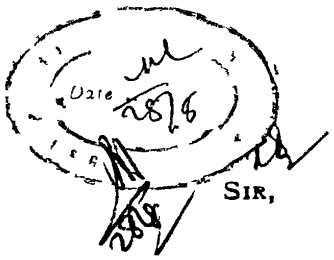
COMMISSIONER,

CORPORATION OF THE CITY OF BANGALORE,

BANGALORE

To

The Secretary to the Government of Mysore,
Local Self-Government Department,
Bangalore.



SIR,

Subject:- Amendment to the Corporation Election rules

With reference to the correspondence resting with your letter No L.1386 dated the 15th May 1951, I write to state that the amendment proposed by the Government to rule 27 (6) was placed before the Corporation at their meeting held on the 30th July 1951 and they resolved that the said amendment be approved - vide copy of the resolution enclosed.

2 In the circumstances, I request that the necessary notification may kindly be issued as indicated in my letter No.Gl.10011/50-51 dated the 10th April 1951.

Forwarded with compliments.

R Muniswamy

MAYOR

Yours faithfully,

COMMISSIONER.

MVL.
27-8-51.

Resolution passed at the Ordinary General Meeting of the Corporation of the City of Bangalore, held on the 30th July 1

---

3 Letter No.L.1386 dated 15th May 1951, from the Secretary, Local Self-Government Department, calling for the views of the Corporation in regard to the amendment proposed by Government to the Corporation Election Rules.

Sri H. S. Seetharam moved the following resolution -

"Resolved that the amendments proposed by the Government to the Corporation Election Rules, be approved "

Sri C. Rajagopalachar seconded the resolution and it was passed unanimously

(Sd). R ..nantaraman,

MAYOR.

" Copy "

COMMISSIONER.

MVL.
27-8-51.

8579 / C IV 30-S1-2
15-11-51

NOTIFICATION

In pursuance of Clause (a) of Section 366 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No LXIX of 1949) as amended from time to time, the draft of the following Notification amending the rules issued under Section 68 of the said Act, is hereby published -

Draft Notification

In exercise of the powers conferred by Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949) His Highness the Maharaja of Mysore is pleased to direct that the following amendement shall be made in the rules regulating the procedure with regard to the election of the divisional councillors of the Corporation of the city of Bangalore and of the Councillors to fill the seats specially reserved for Labour, issued in notification No L 8030/C/57-49-9 dated the 28th January 1950, namely -

For the first sentence occurring in sub-rule (6) of rule 27 of the said rules, the following sentence shall be substituted, namely -

"The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps in accordance with section 196 of the code of Criminal procedure, 1898, to prosecute the persons whom he believes to be guilty of the offerce of personation "

By order of
His Highness the Maharaja,
Sd K Balasubramanyam
Secretary to Government,
L S G Department

P T O

No 1

Notification

C M 30 51.2

In pursuance of cl (a) of Sec 366 of the City of Bl'lore municipal Corporation Act 1949 (Mysore Act no LXIX of 1949) as amended from time to time, the draft of the following ~~amendment~~ notification ~~which it is proposed~~ amendment as may be issued under Sec 68 of the said Act, is hereby published -

Off notification

Here please enter notification enclosed

To

The Controller, Mysore Gazette for publication

B O of M. H
the Maharaja

(Sd) M Nb/28/9
Secretary to Govt
Urgt L S G Dept
26/9/51

Memo

Copy to the Comm, Corporation of the city of Bl'lore (through the Mayor) for information and opinion of the Corporation

B

Urgt M/s S G. Secy
26/9/51

No. L 8573/CM'30-51 3
10-11-51

To : Encl

The Commissioner
Corporation of the city of B'lore
(Through the Mayor)

Sir,

I am directed to forward herewith for the opinion of the Corporation a draft of the notification amending the Rules issued under Sec 68 of the city of B'lore Municipal Corporation Act Regulating the procedure in regard to the election of Divisional Councillors of the Corporation of B'lore as required by Sec 366 of the said Act.

Yours faithfully
5/11
for Secy
31/11/51

GOVERNMENT OF ~~HIS HIGHNESS THE MAHARAJA OF~~ MYSORE

No L. 13157/GM 30-51 General and Revenue Secretariat,
Dated Bangalore, 18 2 19 52

NOTIFICATION

In exercise of the powers conferred by Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949) His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the rules regulating the procedure with regard to the election of the divisional councillors of the Corporation of the City of Bangalore and of the Councillors to fill the seats specially reserved for labour, issued in Notification No L.8030/G 1.57-49-9 dated the 28th January 1950, namely :-

For the first sentence occurring in sub-rule (6) of rule 27 of the said rules, the following sentence shall be subsituted namely:-

"The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps in accordance with section 196 of the Code of Criminal Procedure, 1898, to prosecute the persons whom he believes to be guilty of the offence of personation.

By Order of
His Highness the Maharaja,

Sd K BALASUBRAMANYAM,
Secretary to Government,
L.S.G. Department.

To
The Compiler, Mysore Gazette, for publication in the Gazette and supply of 100 copies thereof to the Commissioner, Corporation of the City of Bangalore and 25 copies to the Municipal Branch of the General and Revenue Secretariat.

Memo No L 13158 18 2 52

Copy of the above is forwarded to the Commissioner, Corporation of the City of Bangalore, (through the Mayor) for information with reference to his letter No G1 1168/51-52 dated 5-1-1952

(V HANUMANTHAPPA)
for Secretary to Government,
L S G Department

LNS.12.31.1

GOVERNMENT OF ~~HIS HIGHNESS THE MAHARAJA OF~~ MYSORE

No L. 13154/am 30-81 General and Revenue Secretariat

Dated Bangalore, 18 2 1952

NOTIFICATION

In exercise of the powers conferred by Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949) his Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the rules regulating the procedure with regard to the election of the divisional councillors of the Corporation of the City of Bangalore and of the Councillors to fill the seats specially reserved for labour, issued in Notification No L.8030/C 1.57-49-9 dated the 28th January 1950, namely :-

For the first sentence occurring in sub-rule (6) of rule 27 of the said rules, the following sentence shall be subsituted namely:-

"The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps in accordance with section 196 of the Code of Criminal Procedure, 1898, to prosecute the persons whom he believes to be guilty of the offence of personation

By Order of
His Highness the Maharaja,

Sd K BALASUBRAMANYAM,
Secretary to Government,
L S.G. Department.

To

The Compiler, Mysore Gazette, for publication in the Gazette and supply of 100 copies thereof to the Commissioner, Corporation of the City of Bangalore and 25 copies to the Municipal Branch of the General and Revenue Secretariat.

Memo No L 13158 18 2 52

Copy of the above is forwarded to the Commissioner, Corporation of the City of Bangalore, (through the Mayor) for information with reference to his letter No G1 1168/51-52 dated 5-1-1952

(V HANUMANTHAPPA)
for Secretary to Government,
L S G Department

LNS.12.31.1

6406
10 JAN 1952

CORPORATION OF THE CITY OF BANGALORE

No G1 1168/51-52

CORPORATION OFFICES,
BANGALORE

Dated 5th January 1952

FROM

THE COMMISSIONER,
CORPORATION OF BANGALORE,
BANGALORE

To
The Secretary to the Government of Mysore,
Local Self Government Department,
BANGALORE

SIR,

SUBJECT - AMENDMENT TO CORPORATION ELECTION RULES

In reply to your letter No L.8873/C M 30-51-3 dated the 10th November 1951, I write to state that the Corporation at their meeting held on the 3rd December 1951 resolved that the draft notification amending the rules regulating the procedure in regard to the election of Divisional Councillors of the Corporation be approved vide copy of the resolution enclosed The notification may kindly be issued.

Forwarded with compliments

R Manjaramma
MAYOR

Yours faithfully,

COMMISSIONER 7/1/52

Resolution passed at the Adjourned meeting of the Corporation of the City of Bangalore, held on the 3rd December 1951

31. Letter No 8573/C.M. dated 10th November 1951, from the Secretary to Government, Local Self-Government Department, calling for the opinion of the Corporation on the draft notification amending the rules issued under Section 68 of the City of Bangalore Municipal Corporation Act regulating the procedure in regard to the election of Division Councillors of the Corporation of Bangalore

Sri H. S Seetharam moved the following resolution -

"Resolved that the draft notification amending the rules issued under Section 68 of the City of Bangalore Municipal Corporation Act regulating the procedure in regard to the election of Divisional Councillors of the Corporation of Bangalore, be approved."

Sri K R Sridharamurti seconded the resolution and the same was passed unanimously

(Sd) R Ananthaaman,
Mayor

"COPY"

FOR COMMISSIONER

GOVERNMENT OF ~~HIS HIGHNESS THE MAHARAJA OF~~ MYSORE

No L. 13154/Cm 30-51 G General and Revenue Secretariat,
Dated Bangalore, 18 2 19 52

NOTIFICATION

In exercise of the powers conferred by Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LIX of 1949) His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the rules regulating the procedure with regard to the election of the divisional councillors of the Corporation of the City of Bangalore and of the councillors to fill the seats specially reserved for labour, issued in Notification No L.8030/G.1.57-49-9 dated the 28th January 1950, namely :-

For the first sentence occurring in sub-rule (6) of rule 27 of the said rules, the following sentence shall be subsituted namely -

"The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps in accordance with section 196 of the Code of Criminal Procedure, 1898, to prosecute the persons whom he believes to be guilty of the offence of personation."

By Order of
His Highness the Maharaja,

Sd K RALASUBRAMANYAM,

Secretary to Government,
L.S.G. Department.

To
The Compiler, Mysore Gazette, for publication in the Gazette and supply of 100 copies thereof to the Commissioner, Corporation of the City of Bangalore and 25 copies to the Municipal Branch of the General and Revenue Secretariat.

Memo No L. 13158 18 2 52

Copy of the above is forwarded to the Commissioner, Corporation of the City of Bangalore, (through the Mayor) for information with reference to his letter No G1 1168/51-52 dated 5-1-1952

Hanumanthappa 4/2/52

(V HANUMANTHAPPA)
for Secretary to Government
L S.G Department

LNS.12.31.1

D R A F T

Notification

No L

In exercise of the powers conferred by Sub Section (1) Section 68 of the City of Bangalore Municipal Corporation Act (Act No LXIX of 1949) His Highness the Maharaja is pleased to direct that the following amendment be made to Sub rule(6) of Rule 27 of the Rules regulating the procedure with regard to the election of Divisional Councillors of the Corporation of Bangalore and of the Councillors to fill the seats reserved for Labour viz -

Omit the words and figures "After obtaining the previous sanction, required by Section 196 Criminal Procedure Code, 1898, such sanction being obtained from the Commissioner of Police", occurring at the end of the first sentence after the word personation

Insert the words "in accordance with Section 196 Criminal Procedure Code, 1895," after the words "shall take steps" occurring in line 2 of the Rule

By Order of
His Highness the Maharaja,

Secretary to Government,
L S G Department

To

The Compiler, Mysore Gazette, for publication in Part III-3 of the Gazette and supply of 50 copies to the Commissioner, Corporation of the City of Bangalore, and 25 copies to the Municipal Branch of the General & Revenue Secretariat

Memo No L

Copy of the above is forwarded to the Commissioner, Corporation of the City of Bangalore

with reference to his letter No Gl 1730/51-52
dated the 27th August 1951

Secretary to Government,
S G Department